

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ISAAC THOMPSON,

Plaintiff,

vs.

No. 1:21-cv-00805-KWR-KK

SAN JUAN COUNTY SHERIFF,
SAN JUAN COUNTY SHERIFF'S DEPARTMENT,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the handwritten Civil Complaint (Doc. 1) and Complaint for Violation of Civil Rights (Doc. 3) filed by Plaintiff Isaac Thompson. The Court will dismiss the Complaint without prejudice for failure to comply with a Court order, statutes, and rules, and failure to prosecute.

Plaintiff Thompson is a federal detainee incarcerated at the Cibola County Correctional Facility. (Doc. 1). Thompson filed this civil proceeding, pro se, alleging that Defendants are part of a racketeering conspiracy and have committed treason because New Mexico elected officials do not have surety bonds on file with the New Mexico Secretary of State, in violation of Plaintiff's civil rights. (Doc. 1, Doc. 3). The original Civil Complaint was not in proper form for a civil rights or a RICO complaint. (Doc. 1). Plaintiff also did not pay the filing fee or submit an application to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915.

On August 24, 2021, the Court ordered Plaintiff to cure these deficiencies within 30 days by filing a complaint in proper form and either paying the filing fee or submitting an application

to proceed *in forma pauperis*. (Doc. 2). The Order advised Plaintiff that, if he failed to cure the deficiencies within the 30-day time period, the Court could dismiss this proceeding without further notice. (Doc. 2 at 2). The Court also sent Plaintiff the forms for submitting a § 1983 complaint and an application under § 1915. (Doc. 2 at 2). Plaintiff did submit his Complaint for Violation of Civil Rights on September 10, 2021. (Doc. 3). However, Plaintiff Thompson did not file an application under §1915 or pay the filing fee.

More than 30 days has elapsed since entry of the Court's Order to Cure Deficiencies. Under 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required collect the filing fee from the Plaintiff or authorize Plaintiff to proceed without prepayment of the fee. Plaintiff has failed to either pay the \$400.00 filing fee or submit an application to proceed under § 1915 in proper form.

Pro se litigants are required to follow the federal rules of procedure, statutes, court orders, and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with statutes or rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003).

Plaintiff Thompson has failed to comply with the Court's Order, failed to comply with statutory provisions, including 28 U.S.C. § 1915, and failed to prosecute this action. The Court may dismiss this action under Fed. R. Civ. P. 41(b) for Plaintiff Thompson's failure to prosecute, to comply with the rules of civil procedure, to comply with statutes, and to comply with court orders. *Olsen v. Mapes*, 333 F.3d at 1204, n. 3. The Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with statutes, rules, and Court orders and failure to prosecute this proceeding.

Also pending before the Court is Plaintiff's Motion to Appoint Council (Doc. 4). The Court will deny the Motion as moot in light of the dismissal of this case.

IT IS ORDERED:

(1) the Motion for Appointment of Council filed by Plaintiff Isaac Thompson (Doc. 4) is **DENIED AS MOOT**; and

(2) the Civil Complaint (Doc. 1) and Complaint for Violation of Civil Rights (Doc. 3) filed by Plaintiff Isaac Thompson are **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to comply with rules, statutes, and the Court's Order, and failure to prosecute.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE